



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 15.12.2025

FAO-1702-2024(O&M)

Smt. Farjana & Others

...Appellant(s)

Vs.

Babu Lal & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.K. Bawa, Advocate
for the appellants.

Mr. Diwan S. Adlakha, Advocate
for respondent No.2.

NIDHI GUPTA, J.
CM-6407-CII-2024

This is an application under Section 5 of Limitation Act read with
Section 151 CPC for condonation of delay of 85 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of appellant No.1, the same is allowed subject to all
just exceptions and delay of 85 days in filing the present appeal is condoned.

FAO-1702-2024

Present appeal has been filed by claimants seeking
enhancement of compensation of Rs.16,45,000/- awarded by the Motor
Accident Claims Tribunal, Nuh (hereinafter 'the learned Tribunal') vide



Award dated 11.10.2023 passed in MACP Case No.452 dated 17.08.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 4 claimants are the 42-year-old widow, 18-year-old son, 16-year-old son and 14-year-old daughter of deceased Fakruddin, who was 45 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Fakruddin had died due to the injuries suffered by him in a motor vehicular accident that took place on 23.05.2019 due to the rash and negligent driving of Car bearing registration No.HR-17B-9653 (hereinafter referred to as “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The aforesaid compensation has been awarded along with interest @ 6% per annum. The respondents were held jointly and severally liable for payment of compensation amount.

3. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that consortium of Rs.40,000/- each ought to have been awarded to the claimants No.2, 3 and 4, who are the minor children of deceased Fakruddin. It is submitted that vide the impugned Award, consortium of Rs.40,000/- has been awarded only to claimant No.1/widow of deceased Fakruddin.

4. Notice of motion.



5. On the asking of the Court, Mr. Diwan S. Adlakha, Advocate accepts notice on behalf of respondent No.2-Insurance Company. Learned counsel for the respondent No.2 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal accordingly deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find merit in the submission advanced on behalf of the appellants.

7. A perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was running a Motor Mechanic Shop in the name and style of Delhi Motor Workshop in the premises rented from one Khubi; and was earning Rs.35,000/- per month. However, no proof of the alleged avocation and income of the deceased was produced by the appellants. Even no Rent Agreement or Rent Receipt was produced to prove that deceased had rented out premises from Khubi. Even no bank account statement or passbook was produced by the claimants to prove the alleged income of the deceased. As such, the learned Tribunal had assessed notional income of the deceased as Rs.10,000/- per month.

8. Although it was the pleaded case of the appellants before the learned Tribunal that deceased was 43 years old at the time of accident, however, in the MLR, age of the deceased was recorded to be 55 years. Further, even as per the School Leaving Certificate of the deceased



(Ex.PW5/A), date of birth of the deceased was mentioned as 06.01.1976; whereas in his Driving Licence (Ex.R1), his date of birth was mentioned as 03.01.1975. Accordingly, learned Tribunal had taken age of the deceased to be about 45 years old at the time of accident; and had correctly made an addition of 25% towards future prospects; and correctly applied multiplier of 14. Further, as there were 4 claimants, learned Tribunal had correctly made deduction of 1/4th towards personal expenses.

9. However, under the conventional heads, learned Tribunal has awarded spousal consortium of Rs.40,000/- only to claimant No.1/widow; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.16,45,000/-.

10. As per judgments of the Hon'ble Supreme Court in **"National Insurance Company Ltd. VS. Pranay Sethi & Others"** Law Finder Doc ID # 918174; **"Sarla Verma Vs. Delhi Transport Corporation"** (2009) AIR (SC) 3104 Law Finder Doc ID # 188882; **Rani @ Raj Kumari v. Kamlakat Gupta, (SC) :** Law Finder Doc ID # 2818646; and **Samyak Jain v. Kesrilal Mehta, (SC) :** Law Finder Doc ID # 2783911; and judgments of this Court in **Smt. Mukesh v. Ramdev, (Punjab And Haryana) :** Law Finder Doc ID # 2718585; and **Sunita v. Shoib Khan, (Punjab And Haryana) :** Law Finder Doc ID # 2687802, amount of Rs.40,000/- each is payable to the claimants No.2, 3 and 4 i.e. total of Rs.1,20,000/-. Thus, compensation payable to the appellants is reassessed as under:-



Head	Amounts awarded by the learned Tribunal	Re-assessed compensation
Monthly income	Rs.10,000/-	Rs.10,000/-
Annual income	Rs.1,20,000/-	Rs.1,20,000/-
Addition of 25% towards future prospects	Rs.1,50,000/-	Rs.1,50,000/-
Deduction of 1/4 th towards personal expenses	Rs.1,12,500/-	Rs.1,12,500/-
Multiplier of 14	Rs.15,75,000/-	Rs.15,75,000/-
Loss of consortium	Rs.40,000/-	Rs.40,000/-
Loss of consortium to claimants No.2 to 4/minor children	-	Rs.40,000/- each i.e. Rs.1,20,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Total	Rs.16,45,000/-	Rs.17,65,000/-

11. Present appeal accordingly, stands **allowed** in above terms.
12. Pending application(s) if any also stand(s) disposed of.

15.12.2025

Sunena

(Nidhi Gupta)**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No